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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,445	06/30/2003	David Di Huo	29250-000763/US	7132

7590 05/17/2007  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 8910  
Reston, VA 20195

EXAMINER
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PATEL, AJIT

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/608,445	Applicant(s) HUO, DAVID DI	
	Examiner AJIT G. PATEL	Art Unit 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lincoln.

Regarding claims 1,13, Lincoln discloses scheduler utilizing dynamic schedule table incorporating the step of adjusting a granularity of the leaky bucket data flow scheme with a scalar parameter, the scalar parameter modifying the leaky bucket data flow control scheme to control data flow (lines 6-21, col. 5).

Regarding claim 2, Lincoln discloses the step of adjusting the scalar parameter based upon a user determined scaling value (lines 54-67, col. 17; lines 10-23, col. 9).

Regarding claim 3, Lincoln discloses the limitation “wherein the scalar parameter is within a predetermined range” (lines 54-67, col. 17, lines 10-23, col. 9).

Regarding claim 4, Lincoln discloses the limitation “wherein adjusting is performed dynamically” (lines 54-67, col. 17 imply that the step of adjusting is performed dynamically).

Regarding claim 5, 14, Lincoln discloses the limitation “wherein the scalar parameter modifies a bucket full ratio” (lines 41-53, col. 17, lines 10-23, col. 9).

Regarding claim 6, Lincoln discloses scheduler utilizing dynamic schedule table incorporating the step of scaling a control parameter for adjusting the granularity for controlling data flow based upon a leaky bucket data flow scheme, the control

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parameter modifying a bucket capacity parameter for the leaky bucket data flow control scheme (lines 6-21, col. 5).

Regarding claim 7, Lincoln discloses the limitation "wherein the scaling is performed within a predetermined range" (lines 54-67, col. 17, lines 10-23, col. 9).

Regarding claim 8, Lincoln discloses the limitation "wherein the predetermined range is between an empty bucket level and a maximum bucket level (304,306 of fig. 6; lines 33-48,col. 11).

Regarding claims 9,16, Lincoln discloses the limitation "a user defined scaling value for scaling the control parameter" (lines 54-67, col. 17)

Regarding claim 10, Lincoln discloses the limitation "wherein the bucket capacity parameter is a bucket full ratio for the leaky bucket data flow scheme" (lines 41-53, col. 17, lines 10-23, col. 9).

Regarding claims 11,17, Lincoln discloses the step of dynamically adjusting the granularity based upon scaling of the control parameter (lines 54-67, col. 17; lines 10-23, col. 9).

Regarding claims 12,15, Lincoln discloses the step of varying data flow based upon scaling of the control parameter (lines 6-21, col. 5).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY- FRIDAY.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AP

  
**Ajit Patel**  
**Primary Examiner**